

### **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

Claims 18–34 and 47–51 are pending. Claims 1–17 and 25–46 have been previously canceled, without prejudice or disclaimer of subject matter. Claims 18–34 and 47–51 are amended. The amended claims have been broadened in view of the references cited and clarified in order to round out the scope of protection to which Applicants are entitled. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification as originally filed, and specifically at pages 11–13.

The Examiner rejected claim 47 under 35 U.S.C. § 112, second paragraph, as being indefinite based on use of the term “up to a predetermined amount of time.” This rejection is moot in view of the current amendments. Applicants respectfully request that it be withdrawn.

The Examiner has rejected claim 47 under 102(e) as being anticipated by U.S. Patent No. 6,323,464 (hereinafter “Cohn”). The Examiner has rejected claims 48 and 51 under 35 U.S.C. § 103(a) as allegedly unpatentable Cohn. Finally, claims 18–34 and 49–50 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Cohn in view of what appears to be a printout from the website “Cooking.com.” These rejections are traversed for the following reasons.

There are two pending independent claims: claim 18 and claim 47. Both claims are drawn to a method of storing a single pre-processed food product, or multiple pre-processed food products, “in a food cabinet housing having a plurality of food product compartments.” In

addition, both claims require the method step of placing a pre-processed food product, or pre-processed food products, into said compartments, either with or without drawers. Further, claim 47 requires placing the drawer into a compartment. These elements are neither taught nor suggested by the cited references.

As understood by Applicants, Cohn relates to a module for producing hot humid air for a proofing or holding operation. Cohn does not teach the use of compartments or drawers. Instead, Cohn teaches “a chamber for proofing shaped yeast dough pieces contained in *pans* 11. . . .” (Col. 5, lines 10–11, emphasis added.) Cohn further describes the chamber as having a single door. (See Col. 8, lines 1–2, referring to “*the door to the proofing chamber[,]*” emphasis added.) A similar disclosure is given for another embodiment:

A further embodiment is shown in FIGS. 7A, 7B, 7C, and 7D. In FIG. 7A, the tank 51 having a drain valve 25 is shown partially inserted (or partially removed) from an embodiment of the heating/proofing module M. As shown, the module has *a housing 71 and a handled, hinged door 73 that can be opened to access shelves* on which the held/proofed foodstuff material is stored.

(Col. 11, lines 23–29, emphasis added.) Cohn’s use of large sliding or hinged doors—and its failure to disclose the use of individual drawers or compartments—disadvantageously allow for large amounts of heat and humidity to escape from the unit during loading and unloading. (See Specification at 2.)

In contradistinction, claims 18 and 47 of the instant application require the method steps of placing a pre-processed food product, or multiple pre-processed food products, into either compartments or into drawers and then into compartments. Cohn neither teaches nor suggests these limitations. It is therefore respectfully submitted that claims 1 and 47 are patentable over Cohn.

The printout from Cooking.com similarly fails to teach or suggest the disclosures missing from Cohn. Even if this printout did teach the missing disclosures, however, the Applicants respectfully submit that the printout is not prior art. It has not been cited in accordance with MPEP § 707.05(e) and it appears to be dated August 17, 2005. Finally, even if the printout were *prior art*, it is *nonanalogous art*.

The remaining claims of this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### CONCLUSION


Applicants respectfully submit that all of the claims are in condition for allowance and requests early passage to issue of the present application.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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